

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:10CR115-MPM-SAA

PERRY E. MOSELEY

**ORDER GRANTING MOTION FOR INVOLUNTARY ADMINISTRATION OF
ANTIPSYCHOTIC MEDICATION FOR PURPOSE OF RESTORING COMPETENCY**

The matter came on for hearing based on the government's ore tenus motion pursuant to the provisions of 18 U.S.C. §§ 4241 and 4247(d), and United States v. Sell, 539 U.S. 166, 123 S. Ct. 2174, 156 L. Ed. 2d 197 (2003).

At the hearing held in Oxford, Mississippi on December 1, 2011, the United States presented evidence, including the sworn testimony of Adeirdre L. Stribling Riley, Ph.D., Forensic Psychologist, and Ralph H. Newman, M.D., Forensic Psychiatrist. The defendant, pursuant to 18 U.S.C. § 4247(d) was afforded an opportunity to testify, to cross-examine witnesses called by the United States, and to call additional witnesses on his behalf. At the conclusion of the hearing and in accordance with the decision in Sell, the Court finds that the involuntary administration of antipsychotic drugs is necessary for the sole purpose of rendering the defendant competent to stand trial. Hence, it is hereby ORDERED that Mr. MOSELEY shall initially be afforded the opportunity to voluntarily comply with oral medication. However, in the event that Mr. MOSELEY fails or refuses to so comply, the medical staff at Federal Correctional Complex at Butner, North Carolina is authorized and ORDERED to involuntarily administer a long-acting injection of Risperdal constant in accordance with the manner and treatment plan set forth in the Forensic Evaluation of Dr. Stribling Riley and Dr. Newman dated October 7, 2011.

ACCORDINGLY, it is ORDERED and ADJUDGED that the defendant, PERRY E. MOSELEY, is hereby committed to the custody of the Attorney General of the United States, pursuant to the provisions of 18 U.S.C. § 4241(d)(1), for a reasonable period of time not to exceed four (4) months from entry of this Order. It is further ORDERED that the Attorney General shall hospitalize the defendant at FCC Butner for treatment as described above and shall comply with the provisions of law and this Order regarding such hospitalization and treatment. The Attorney General, acting by and through his appropriate designees, shall furnish these reports to the Court every sixty (60) days informing the Court of Mr. MOSELEY's progress and treatment, pursuant to the provisions of 18 U.S.C. § 4241, et seq.

It is further ORDERED that in the event Mr. MOSELEY is restored to competency, medical personnel at the federal facility shall make all of those determinations required by 18 U.S.C. § 4241 as to the defendant's competency at the time of the alleged offense.

So ORDERED, this the 8th day of December, 2011.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI